

# ***SECTION 1.0***

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***INTRODUCTION / PURPOSE AND NEED***

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## INTRODUCTION/PURPOSE AND NEED

### 1.1 INTRODUCTION

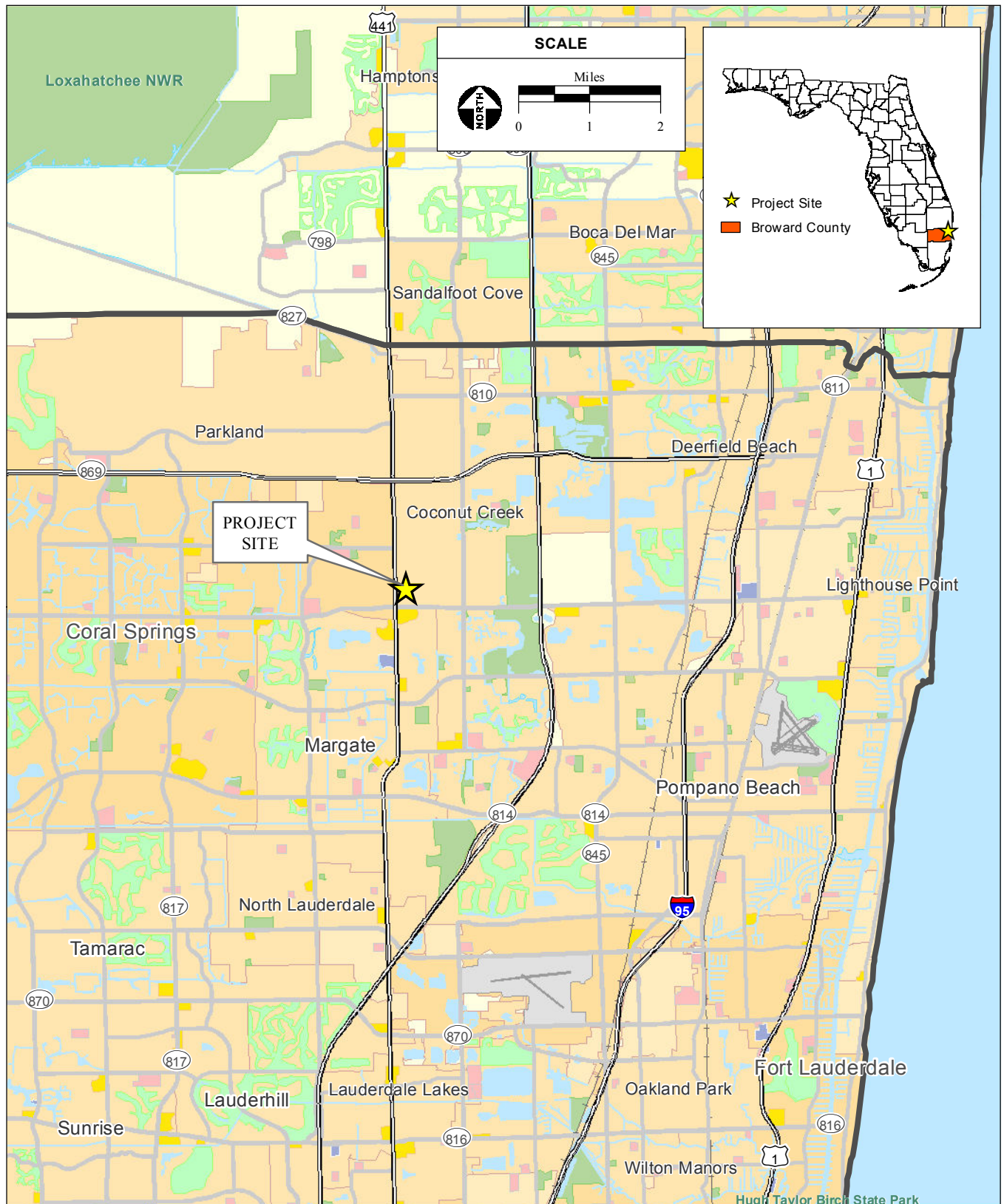
The Bureau of Indian Affairs (BIA), acting as the Lead Agency, has initiated preparation of an Environmental Impact Statement (EIS) to address the potential environmental effects of taking approximately 45-acres into federal trust for the Seminole Tribe of Florida (STOF) (Proposed Action), and developing a hotel/resort and retail center on the site (Proposed Project). The land proposed for transfer into federal trust is located adjacent to existing trust land held by the United States for the benefit of the Tribe (**Figures 1-1** and **1-2**) in Coconut Creek, Florida. For the purpose of this EIS, the BIA serves as the Lead Agency for compliance with the National Environmental Policy Act (NEPA), with STOF, Broward County, and the City of Coconut Creek (City) serving as Cooperating Agencies.

This document has been prepared in accordance with the requirements set forth in the National Environmental Policy Act (NEPA) (42 USC 4321 et seq.); the Council on Environmental Quality (CEQ) Regulations for Implementing NEPA (40 CFR Parts 1500-1508); and the BIA's NEPA handbook (59 IAM 3-H). Consistent with NEPA, this EIS is a public information document that assesses potential environmental impacts of the Proposed Project, and identifies mitigation measures and alternatives to the Proposed Project that could avoid or reduce adverse environmental impacts. A No Action Alternative is also addressed as required under NEPA. As an informational document for use in the planning and decision-making process, the EIS does not recommend either approval or denial of the Proposed Project.

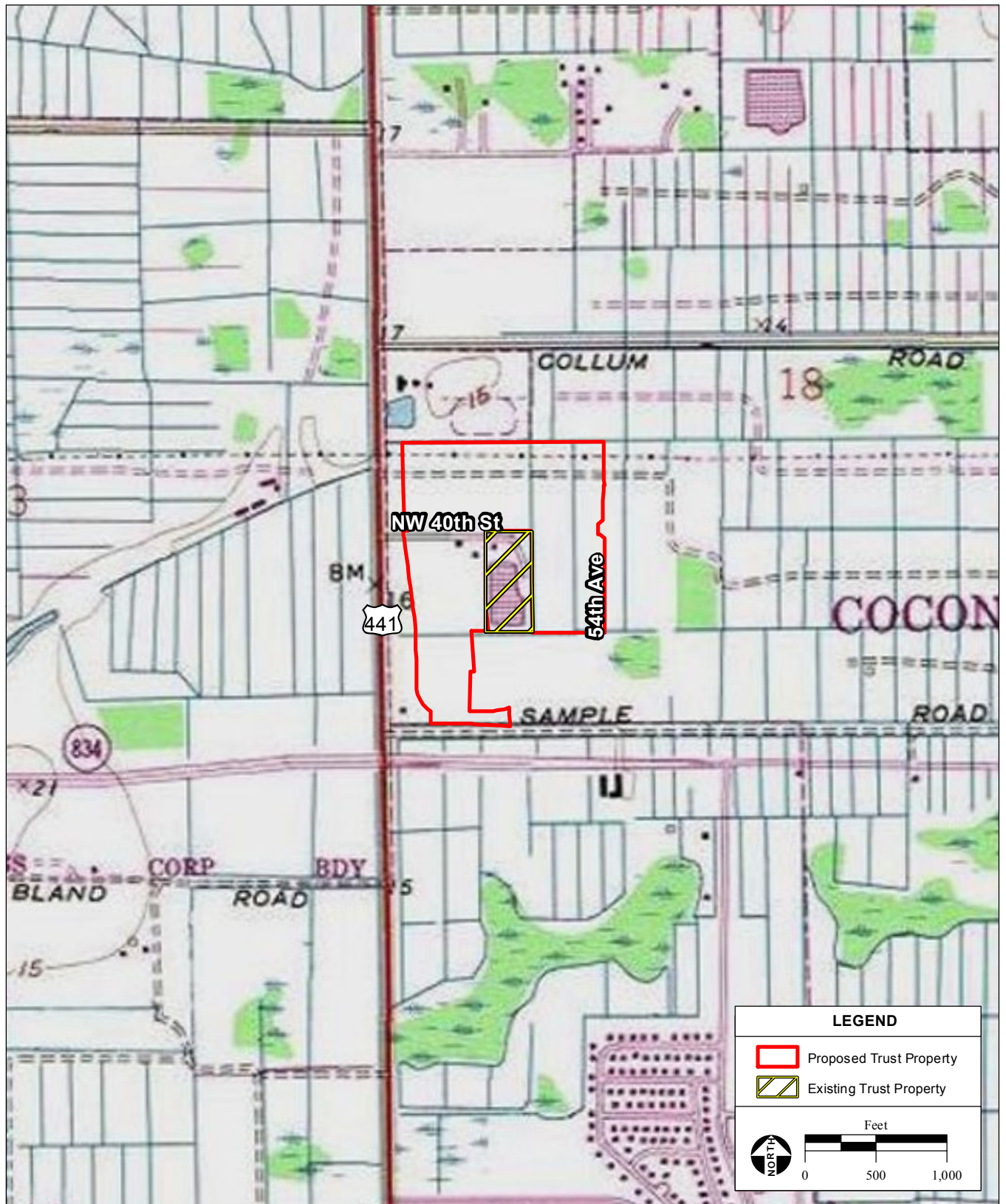
The BIA is the federal agency charged with reviewing and approving tribal applications pursuant to 25 CFR Part 151 to take land into Federal trust status, which constitutes a major federal action (40 Code of Federal Regulations [CFR] 1508.18). The "land into trust" decision constitutes the Proposed Action. The Proposed Project consists of the foreseeable consequence of the federal action, namely the mixed-use development of a hotel/resort complex with entertainment and conference venues, and retail facilities.

### 1.2 PROJECT LOCATION

The approximately 45-acre project site is located within the City of Coconut Creek, Broward County, Florida adjacent to existing STOF trust property which includes the Coconut Creek Casino (**Figure 1-1** and **Figure 1-2**). The project site consists of land presently owned by STOF, including a multi-story parking structure, surface parking lots, stormwater retention ponds, and internal roadways. The project site is within the Commerce Center of Coconut Creek Tracts C, D, G, H, I, and the western portion of Tract B. The designated Broward County Assessor's Parcel Numbers (APN) are 218-030-021, 218-010-451, 218-030-040, 218-010-440, 218-030-080, 218-030-030, and 218-010-452 (**Figure 1-3**). Tract 65, the existing trust property, and the eastern portion of Tract B are not part of the "land into trust" decision and, thus, not part of the Proposed Project.



**Figure 1-1**  
Regional Location



SOURCE: "West Dixie Bend, FL" USGS 7.5 Minute Topographic Quadrangle, T48S R42E, Section 18, Talahassee Baseline & Meridian; AES, 2012

Seminole Fee-to-Trust Project EIS / 210520 ■

**Figure 1-2**  
Site and Vicinity



### 1.3 SUMMARY OF THE PROPOSED PROJECT

The foreseeable consequences of the Federal discretionary action discussed above and detailed in **Section 2.0** will be the development of a proposed hotel-retail complex at the project site. The Proposed Project includes construction of a destination resort that includes a 1,000 room twenty-story hotel tower, 2,500 seat showroom, expanded parking structure, a pool and spa facility, 47,000 square feet of retail, a conference center, and associated facilities.

After a thorough review of the environmental impacts associated with each alternative presented in the Draft EIS, the potential for each alternative to satisfy the purpose and need, and a review of public comments received on the Draft EIS, the BIA has identified Alternative A as the Preferred Alternative. Further details of the Preferred Alternative, as well as the other alternatives considered in this document, are provided in Section 2.0 of this Final EIS.

### 1.4 PURPOSE AND NEED

NEPA requires that an EIS include a discussion of the underlying purpose and need in pursuing the Proposed Action (40 CFR 1502.13). The purpose and need statement assists the Lead Agency select an adequate and appropriate range of alternatives to be evaluated in the EIS.

Pursuant to NEPA requirements, the purpose and need of the Lead Agency (the BIA) in considering the Proposed Action is to strengthen Tribal self-sufficiency in order to better serve the social, economic, educational, and health needs of Tribal members. The purpose and need is also to consolidate Tribal landholding under a single jurisdictional authority. Strengthening tribal governments and promoting tribal self-determination are essential trust responsibilities of the federal government.

The Secretary of the Interior has the discretion and authority under 25 USC Section 465 to acquire lands in trust for Indian tribes, providing tribes with land subject to tribal jurisdiction and free from taxation. Procedures for such trust acquisitions are found in 25 CFR Part 151.

Approval and construction of the Proposed Project would assist the Tribe in meeting the following specific objectives:

- Strengthen the socioeconomic position of STOF by providing an augmented revenue source that could be used to fund the tribal government; fund a variety of social, housing, governmental, administrative, educational, health and welfare services to improve the quality of life of tribal members; and provide capital for other economic development and investment opportunities. The Proposed Project would result in a 1,450 patron per day increase.
- Increase the ability for STOF to make donations to charitable organizations and governmental operations, including local educational institutions.
- Fund local governmental agencies, programs, and services.
- Allow STOF to diversify its holdings over time, so that it is no longer dependent upon the Federal or State governments or even upon gaming to survive and prosper.

Creating a mechanism for improving the Tribe's economic base represents one of the primary purposes of the Indian Gaming Regulatory Act (IGRA). IGRA states that Congress finds "a principal goal of Federal Indian policy is to promote tribal economic development, tribal self sufficiency, and strong tribal government" (25 USC Section 2701). However, it is important to note that as the project site would not be taken into trust for potential gaming purposes, an IGRA two-part determination is not necessary, nor does IGRA regulate operation of hotels, spas, parking structures, or "back-of-house" financial functions that support gaming. The Proposed Action (transfer of the site into federal trust) and subsequent Proposed Project (develop a destination resort including a hotel and other amenities) would not expand Class III gaming and, therefore, would not require a Two-Part Determination as required under IGRA.

Approval of the Proposed Action would consolidate STOF's land holdings surrounding the existing trust property that houses the Coconut Creek Casino into one contiguous trust property. Bringing the surrounding 45-acres of STOF-owned parcels into trust will enable STOF to more easily develop the entire site into a destination resort with a variety of activities that would both diversify revenues and increase income. The hotel and other amenities would attract visitors beyond those interested purely in gaming and would contribute to longer on-site visits for those who are interested in gaming.

The gaming and entertainment industry is a very competitive business and STOF believes that the Proposed Project is crucial for them to compete in the market. Florida recently authorized slot machines at Pari-Mutuel facilities in Broward County and there is a proposed 224-acre gaming related destination resort proposed at the nearby Isle of Capri Casino in Pompano Beach. The Genting Group recently purchased waterfront property in Miami, approximately 40 miles south of the Coconut Creek Casino, and announced plans to build a \$3 billion destination resort and casino on the site. Additionally, the operators of the Las Vegas Sands have reported entered into discussions with the World Center group to develop a casino resort in Miami (Miami Herald 2011). (The Genting Group and the Las Vegas Sands would each need to obtain gaming licenses from the Florida State Legislature before they could operate a casino.) The Proposed Project serves the needs of STOF by promoting meaningful opportunities for continued economic development and self-sufficiency of the tribe and its members.

The existing trust land (Tract 65) is too small to accommodate the destination resort and supporting infrastructure, including storm water retention, drainage, open space, recreation areas, parking, and rights-of-way. Consolidation of STOF-owned, non-trust properties under trust stewardship would allow STOF to manage the project and its affairs under Federal and/or tribal authority and eliminate existing and potential conflict over jurisdictional matters between entities.

The City, Broward County, and the State of Florida currently have jurisdiction over STOF fee owned lands. While STOF has diligently worked with state and local authorities in developing its non-trust land holding, complications have sometimes arisen. Putting the entire site into trust would bring all facilities under the regulatory jurisdiction of STOF, simplifying law enforcement and operational issues, and eliminating confusion.

## **1.5 OVERVIEW OF THE ENVIRONMENTAL REVIEW PROCESS**

### **1.5.1 LEAD AGENCY**

Contact information for the lead agency is as follows:

Chester McGhee, Regional Environmental Protection Specialist

U.S. Department of Interior, Bureau of Indian Affairs, Eastern Region Office  
545 Marriott Drive, Suite 700  
Nashville, TN 37214  
(615) 564-6500

## 1.5.2 SCOPING

The CEQ Regulations for implementing NEPA require a process, referred to as “scoping” for determining the range of issues to be addressed during the environmental review of a Proposed Action (Section 1501.7). The scoping process entails a determination of issues by soliciting comments from agencies, organizations, and individuals.

The BIA published a Notice of Intent (NOI) to prepare the EIS in the Federal Register on August 6, 2010, initiating the EIS process. The NOI briefly described the Proposed Action and the reasons why an EIS is being prepared. A local public notice announcing the Proposed Action and the scoping meeting was published in the Sun Sentinel on August 5, 6, and 7, 2010. The NOI and local public notices are included as **Appendix J**.

The issues raised during the NOI comment period have been summarized within the *Environmental Impact Statement Scoping Report, Seminole Tribe of Florida Fee-to-Trust Project*. This report was issued by the BIA in June 2011 and is available for review at the BIA Eastern Region Office and online at **www.seminoleeis.com**. This EIS is responsive to the issues and concerns summarized within the Scoping Report.

The following agencies were approached to determine if they had sufficient interest in the project to assume the role of a Cooperating Agency: Seminole Tribe of Florida, Florida Department of Environmental Protection (DEP), Broward County, and the City of Coconut Creek.

STOF, Broward County, and the City of Coconut Creek accepted Cooperating Agency status.

## 1.5.3 PUBLIC REVIEW OF THE DRAFT EIS

The Draft EIS (DEIS) has been distributed to Federal, Tribal, State, and local agencies, as well as other interested parties for a 45-day review and comment period. The review and comment period began following publication of a Notice of Filing in the *Federal Register* by the United States Environmental Protection Agency (USEPA) on August 31, 2012 and ended on October 15, 2012. The Notice of Availability (NOA) published simultaneously by the BIA provided the time and location of a local public hearing, similar to that provided during the scoping process. The public hearing occurred in the City of Coconut Creek Commission Chambers on the evening of October 9, 2012.

The Lead Agency carefully considered and addressed timely comments on the Draft EIS. The complete set of public and agency comments and BIA responses are included in Volume I of this Final EIS. The

BIA took comments received during the DEIS comment period into consideration prior to determining the Preferred Alternative.

### **1.5.4 FINAL EIS AND EIS CERTIFICATION**

Similar to the Draft EIS, the USEPA will publish an NOA for the Final EIS in the *Federal Register* marking the beginning of the 30-day period after which the BIA may render a determination on the Proposed Action. At the time of the decision, the BIA will prepare a concise public record of decision (ROD), which states what the decision is, identifies all the alternatives considered in reaching the decision, and discusses preferences among alternatives based on relevant factors including economic and technical considerations and the BIA's statutory mission. The ROD also identifies and discusses all factors that were balanced and discusses whether all practicable mitigation measures have been adopted to minimize environmental effects. If all practicable measures are not adopted, the BIA must state why such measures were not adopted. Specific details of adopted mitigation measures shall be included as appropriate conditions in whatever approvals are being made by the lead agency. CEQ Regulations for Implementing NEPA, 40 CFR Section 1505.3, requires that "Mitigation and other conditions established in the environmental impact statement or during its review and committed as part of the decision shall be implemented by the lead agency or other appropriate consenting agency." Therefore, the terms of a ROD are enforceable and can be used to ensure execution of the mitigation measures identified therein.

### **1.5.5 MITIGATION MONITORING AND REPORTING PROGRAM**

CEQ directs all federal agencies to include in an EIS the appropriate means to mitigate adverse environmental impacts not addressed through project design (40 C.F.R 1502.16(h)). CEQ also requires that a Mitigation Monitoring and Enforcement Plan (MMEP) be adopted and summarized in the ROD (40 C.F.R. 1505.2(c)) that is issued after the FEIS. However, it should be noted that mitigation enforceable by parties other than the BIA, for example through permits or enforceable agreements, does not require a monitoring and enforcement program.

## **1.6 REGULATORY REQUIREMENTS, PERMITS, AND APPROVALS**

Implementation of the Proposed Project will require federal, state, and City of Coconut Creek permits and approvals. **Table 1-1** identifies each responsible agency and the potential permit or approval required. In the event that the federal government does not accept the project site into trust for the benefit of STOF, any potential STOF development on fee property would be subject to the City's established review process for development approval, including entitlement, design review, etc.

**TABLE 1-1**  
**POTENTIAL PERMITS AND APPROVALS REQUIRED**

<b>Agency</b>	<b>Permit or Approval</b>	<b>Alternative/ Sub- Alternative</b>
<b>Federal</b>		
Secretary of the Interior	Transfer the project site into Federal trust status for the Tribal Government.	A, A-1, B
U.S. Environmental Protection Agency	National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Construction Activities as required by the Clean Water Act.	A, A-1, B, C
	Clean Water Act Section 401 Water Quality Certification for Trust Lands.	A, A-1, B
	Permit approval from the Underground Injection Control Program for the construction and operation of an injection well.	A-1
U.S. Army Corps of Engineers	Approval of permit(s) under Section 404 of the Clean Water Act for the filling of jurisdictional wetlands/waters.	A, A-1, B, C
U.S. Fish and Wildlife Service, National Marines Fisheries Service	Section 7 Consultation under the Federal Endangered Species Act if endangered species may be affected by the project.	A, A-1, B, C
<b>State/Local</b>		
Florida Department of Transportation	Approval of an Encroachment Permit for the construction of off-site mitigation improvements.	A, A-1, B,C
Florida Department of Environmental Protection	Approval of permits for deep well injection of treated water.	A-1
City of Coconut Creek	Approval of encroachment or eminent domain actions for off-site utility alignments and connections, and off-site roadway improvements.	A, A-1, B,C
Broward County	Permit approval for the construction and maintenance of on-site retention ponds	C
	Broward County encroachment permits and approvals may be required for off-site road improvements within the County right-of-way.	A, A-1, B,C
South Florida Water District	Permit approval for the construction and maintenance of on-site retention ponds	C
Cocomar Water Control District	Approval of all necessary Tribal permits and /or ordinances for development of new stormwater retention ponds on newly acquired trust lands.	A, A-1, B
	Permit approval for construction of off-site stormwater retention pond.	A, C
Seminole Tribe of Florida	Approval of all necessary Tribal permits and /or ordinances for development on newly acquired trust lands.	A, A-1, B

SOURCE: AES, 2016.